

**BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI**

FILED
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ADMINISTRATIVE HEARING
COMMISSION

W. DALE FINKE, Director
Missouri Department of
Insurance, Financial Institutions and
Professional Registration

Petitioner,

v.

CARL ROTHERMICH

Serve at:
7437 Pierside Dr.
O'Fallon, MO 63366
(636) 379-9984

Respondent.

CASE NO. 06-0719251

COMPLAINT

W. Dale Finke, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration ("Department of Insurance"), through counsel, complains and requests the Administrative Hearing Commission find that cause exists for disciplinary action against Respondent Carl Rothermich ("Respondent Rothermich") because:

1. Petitioner is the Director of the Missouri Department of Insurance whose duties, pursuant to RSMo Chapters 374 and 375, include the supervision and regulation of insurance producer licenses.

2. At all times mentioned herein, Respondent Rothermich was a licensed insurance agent (license #AT490325612) or producer (license #PR234379) in the State of Missouri.¹ Respondent Rothermich's insurance producer license is currently active and in good standing.

3. This Commission has jurisdiction over this Complaint pursuant to § 621.045, RSMo (2000).

¹ Pursuant to SB 193 enacted by the Missouri General Assembly in 2002, all Missouri insurance agent licenses were converted to Missouri insurance producer licenses, effective January 1, 2003.

COUNT I

4. Petitioner realleges and expressly incorporates the allegations in paragraphs 1-3.

5. Respondent Rothermich has violated an insurance law, regulation, subpoena or order of the director or of another insurance commissioner in another state, a ground for discipline under § 375.141.1(1), RSMo (2000), or, alternatively, § 375.141.1(2), RSMo (Cumulative Supp. 2005).

6. The facts are as follows:

a. Between the approximate dates of November 28, 1994 and August 25, 1999, Respondent Rothermich solicited and obtained from his insurance client, Genevieve Dickherber, several loans totaling forty-five thousand dollars (\$45,000);

b. At no time before or since any attempt by Respondent Rothermich to solicit or obtain a loan from Genevieve Dickherber did Ms. Dickherber make her usual occupation or practice to receive or process loan applications or to provide loans to the public as an owner, officer, director or employee of an institution in the business of providing such loans;

c. At no time before or since any attempt by Respondent Rothermich to solicit or obtain a loan from Genevieve Dickherber was there a relationship between Respondent Rothermich and Ms. Dickherber that gave rise to an insurable interest in the life of Ms. Dickherber; and

d. Respondent Rothermich thereby violated 20 CSR 700-1.140(4).

7. As a result of the foregoing, sufficient grounds exist for disciplining Respondent Rothermich's license under § 375.141.1(1), RSMo (2000), or, alternatively, § 375.141.1(2), RSMo (Cumulative Supp. 2005).

COUNT II

8. Petitioner realleges and expressly incorporates by reference the allegations in paragraphs 1–3.

9. Respondent Rothermich has used coercive or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere, a ground for discipline under § 375.141.1(4), RSMo (2000), or, alternatively, § 375.141.1(8), RSMo (Cumulative Supp. 2005).

10. The facts are as follows:

a. Petitioner realleges and expressly incorporates by reference all of the allegations contained in paragraphs 5–7;

b. Between the approximate years of 1987 to 2002, Respondent Rothermich invested the assets of his client, Genevieve Dickherber, in various annuity products issued by insurance companies that include, but are not limited to, Allianz Life Insurance Company of North America, National Western Life Insurance Company, American National Insurance Company, and Jackson National Life Insurance Company;

c. During the aforementioned transactions, Respondent Rothermich excessively and unreasonably switched the assets of Ms. Dickherber;

d. During the aforementioned transactions, Respondent Rothermich unnecessarily exposed Ms. Dickherber to multiple surrender charges;

e. During the aforementioned transactions, Respondent Rothermich made unsuitable and inappropriate financial recommendations to Ms. Dickherber;

f. Respondent Rothermich earned commissions for each of the aforementioned annuities he sold to Ms. Dickherber; and

g. Considered as a whole, the recommendations for and multiple replacements of the aforementioned annuities were not suitable for Ms. Dickherber.

11. As a result of the foregoing, sufficient grounds exist for disciplining Respondent Rothermich's license under § 375.141.1(4), RSMo (2000), or, alternatively, § 375.141.1(8), RSMo (Cumulative Supp.2005).

WHEREFORE, based on the foregoing, Petitioner respectfully requests that the Commission make findings of facts and conclusions of law stating that Petitioner has established cause to discipline the insurance producer license of Carl Rothermich.

Respectfully submitted,



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